



# BAY CITY

## SUMMARY • JUNE 22, 2017

**Council Chambers**

**Regular Meeting**

**7:00 PM**

**1901 5TH STREET  
BAY CITY, TX 77414**

### 1. CALL TO ORDER

### 2. INVOCATION & PLEDGE OF ALLEGIANCE - MAYOR PRO TEM CHRystal FOLSE

Texas State Flag Pledge:

"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

Attendee Name	Title	Status	Arrived
Becca Sitz	Councilwoman	Present	
Jason Childers	Councilman	Present	
Mark A. Bricker	Mayor	Present	
Chrystal Folse	Mayor Pro-Tem	Present	
William Cornman	Councilman	Excused	
Julie Estlinbaum	Councilwoman	Present	

### 3. CERTIFICATION OF QUORUM

### 4. APPROVAL OF AGENDA

Councilwoman Julie Estlinbaum made a motion to approve the agenda and Councilman Jason Childers seconded the motion. The motion was approved.

### 5. PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

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Bay City resident, Eric Rooth, addressed the Mayor and Council in regards to his business, "Playtime Bay City," which is a shooting range in North Bay City. He is in the process of building a private Helipad at his site off HWY 60. The FAA gave him approval on April 24, 2017. He is requesting a response from the City in regards to his next step and final approval.

### 6. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless requested by a member of the City Council. Public

comment on consent agenda items may be heard without removing the item from the consent agenda. Each person providing public comment will be limited to 3 minutes.

1. Resolution DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF CHARLIE ALLISON AND BENNY JUDKINS TO THE BOARD OF DIRECTOR FOR REINVESTMENT ZONE NUMBER THREE, CITY OF BAY CITY, TEXAS; RECOGNIZING THE APPOINTMENTS OF COMMISSIONER GARY GRAHAM, COMMISSIONER KENT POLLARD, BRYAN PROCHNOW, AND STEVEN WEIR; AND CONSENTING TO THE APPOINTMENT OF CHARLIE ALLISON AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS. -

The consideration and appointment of the TIRZ#3 board members and chairman was approved. Councilwoman Chrystal Folse made the motion to approve and Councilwoman Julie Estlinbaum seconded the motion. The motion was unanimously approved.

Mayor Mark A. Bricker

2. Amendment DISCUSS, CONSIDER, AND/OR APPROVE CHANGING THE DATE OF THE REGULAR CITY COUNCIL MEETING FROM JULY 13, 2017 TO JULY 6, 2017 DUE TO A CONFLICT WITH COUNCIL MEMBER TRAINING. -

Due to new councilmember training, the July 13th regular council meeting needs to be moved to July 6, 2017 at 7PM.

A Motion was made by Councilwoman Chrystal Folse and seconded by Councilwoman Julie Estlinbaum. The motion was unanimously approved.

David Holubec, City Secretary

## **7. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**

1. Recognition RECOGNITION OF RETIRING BAY CITY HOUSING AUTHORITY BOARD CHAIRMAN, LAMAR EVANS. -

Lamar Evans, Housing Authority Committee Chairman, was recognized for his 38 years chairing the Housing Authority board. Mr. Evans was given a plaque and key to the city.

Mayor Mark A. Bricker

2. Presentation PROCLAMATION DESIGNATING JULY AS PARKS & RECREATION MONTH IN BAY CITY, TEXAS. -

Proclamation recognizing July as Parks Month was read by Mayor Mark A. Bricker.

Mayor Mark A. Bricker

3. Appointment DISCUSS, CONSIDER AND/OR APPROVE THE ELECTION OF MAYOR PRO TEM. -

The discussion of naming a Mayor Pro Tem was debated by council members and Mayor Bricker. Councilwoman, Chrystal Folse nominated Councilman Bill Cornman as Mayor Pro Tem. Mayor Bricker nominated Councilwoman Julie Estlinbaum. Councilwoman Julie Estlinbaum thanked the Mayor for his nomination of her, but felt Councilman Bill Cornman should hold the position of Mayor Pro Tem. Councilman Bill Cornman was approved by vote as the new Mayor Pro Tem. Motion was made by Councilwoman Chrystal Folse and seconded by Councilwoman Julie Estlinbaum. Motion passed unanimously.

Mayor Mark A. Bricker

4. RFP DISCUSS, CONSIDER AND/OR APPROVE AWARDING THE BID FOR GROUP BENEFIT CONSULTANT SERVICES TO ONE OF SIX BIDDERS WHO SUBMITTED BIDS WITH CONTRACT PRICES RANGING FROM \$30,000 TO \$45,000, AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY. -

Human Resources Director, Rhonda Clegg presented her findings to the Council regarding the bids for benefits consulting services. She discussed the six bids, ranging in annual fees of \$30,000 to \$45,000. Finance Director Scotty Jones and Clegg reviewed the top three companies together and unanimously chose IPS as the consulting services company they recommend to Council.

Councilman Jason Childers asked if the City could provide these services without a consulting company. Clegg indicated that this is a service that she is not trained to perform and most cities seek outside professionals for this type of service. Councilman Jason Childers recommended that Rhonda Clegg be trained to offer the City this service in the future.

Motion to approve IPS as the provider was made by Councilwoman Julie Estlinbaum and seconded by Councilwoman Chrystal Folse. Motion was approved unanimously.  
Rhonda Clegg, Director of Human Resources

5. Report DISCUSS, CONSIDER AND/OR APPROVE A POLICY TO INCENTIVIZE THE DEVELOPMENT OF PROPERTY ENCUMBERED BY CITY LIENS. -

Dustin Hodges gave information on the City's plan to create some form of an incentive to builders or developers that are seeking to develop vacant City lots that have numerous liens. If the liens are waived, the developer would be able to build homes that are needed in specific target areas. A workshop will be planned to determine how this program can be created and implemented in the future.

Dustin Hodges

6. Ordinance DISCUSS, CONSIDER AND/OR TAKE ACTION REGARDING AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 18 (TITLED "AVIATION") BY AMENDING VARIOUS SECTIONS TO REQUIRE A PERMIT FOR AGRICULTURE AIRCRAFT OPERATIONS (CROP DUSTING). -

James Mason, Airport Manager, addressed Mayor Bricker and the Councilmembers about the need to have this specific ordinance in place to protect the environment of the airport. Agriculture planes will be required to follow the ordinance which will have more control over chemicals being used on the airport site and how they are handled. A motion was made to approve the ordinance by Councilman Jason Childers and seconded by Councilwoman Chrystal Folse. Motion was approved unanimously.  
James Mason, Airport Manager

7. Resolution DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION APPROVING THE FORM OF THE AERIAL APPLICATOR OPERATING (CROP DUSTING) PERMIT. -

The Council reviewed the Aerial Applicator permit, which has been newly created to support City Ordinance Chapter 18 (AVIATION).

A motion was made to approve the permit by Councilman Jason Childers and seconded by Councilwoman Julie Estlinbaum. The motion was unanimously approved.

James Mason, Airport Manager

8. Policy CONDUCT A PUBLIC HEARING REGARDING KALER ENERGY CORPORATION'S DRILLING PERMIT APPLICATION FOR A WELL SITE LOCATED ON 51.76 ACRES IN THE I.&G.N.N.R.R. COMPANY SURVEY 2 & SURVEY 3 AND THE H. GOSLING SURVEY.

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Public Hearing was held to discuss the proposed drilling of an oil/gas well east of town by Kaler Energy. There were no public comments.

John Kaler, Kaler Energy Corp. or Gilbert L. Winne, Jr, Winne Land & Minerals, Inc.

9. Ordinance DISCUSS, CONSIDER AND/OR POSSIBLE ACTION REGARDING A DRILLING PERMIT APPLICATION SUBMITTED BY KALER ENERGY FOR A WELL SITE LOCATED ON 51.76 ACRES IN THE I.&G.N.N.R.R. COMPANY SURVEY 2 & SURVEY 3 AND THE H. GOSLING SURVEY.. -

The application to drill an oil/gas well off of HWY 457 was discussed by Council and Kaler Energy representatives. City Assistant Attorney Cynthia Trevino, informed Council that Kaler Energy has made attempts to follow the new ordinance rules regarding oil and gas drilling, although they are not required to do so.

A motion was made by Councilman Jason Childers and seconded by Councilwoman Becca Sitz to approve the application. The motion passed unanimously.

Barry Calhoun, Director of Public Works

10. Ordinance DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE AMENDING CHAPTER 62 OF THE BAY CITY CODE OF ORDINANCES REGARDING OIL AND GAS WELLS. -

The Oil and Gas Ordinance was discussed with Council by Public Works Director, Barry Calhoun. The current ordinance is out dated and working with City Attorneys, the Ordinance has been updated to establish more protection for the City.

A motion was made by Councilwoman Julie Estlinbaum and seconded by Councilman Jason Childers. The motion passed unanimously.

Cynthia Trevino, Denton Navarro Rocha Bernal Hyde & Zech, P.C. and Barry Calhoun, Director of Public Works

11. Ordinance DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE ESTABLISHING A REVISED FRANCHISE AGREEMENT WITH AEP. -

Mayor Bricker discussed the current franchise agreement the City now has with AEP. He is recommending that the City require AEP to provide plans when using City easements to lay lines or place equipment. This will give the City awareness of the plans are and determine if damages have been made that need to be compensated. Councilmembers agreed with the need to strengthen the requirements within the agreement. This will be undertaken by the City with the City Attorney and AEP representatives.

A motion to approve was made by Councilman Jason Childers and seconded by Councilwoman Julie Estlinbaum. The motion passed unanimously.

Mayor Mark A. Bricker

12. Ordinance DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE ESTABLISHING A REVISED FRANCHISE AGREEMENT WITH AT&T. -

Mayor Bricker discussed with Council, the current franchise agreement the City has with AT&T. He is recommending the City require AT&T to provide plans when using City easements to lay lines or place equipment. This will give the City awareness of the plans are and determine if damages have been made and need to be

compensated. Councilmembers agreed with the need to strengthen the requirements within the agreement. This will be undertaken by the City and the City Attorney and AT&T representatives.

A motion to approve was made by Councilman Jason Childers and seconded by Councilwoman Julie Estlinbaum. The motion passed unanimously.  
Mayor Mark A. Bricker

13. Appointment DISCUSS, CONSIDER, AND/OR APPROVE THE APPOINTMENT OF THE NOMINEES TO THE CHARTER REVIEW COMMISSION. -

This agenda item was postponed. No action was taken. Councilmembers wish to seek more diversity within the committee applicants before making a decision on committee members. The opportunity to apply for the Charter Review Committee will continue through June 29, 2017, when a Special Council meeting will be held at 3PM to review applicants and select members.

Mayor Mark A. Bricker

## 8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Julie Estlinbaum said it was a good day. Workshop and Council meeting.

Councilwoman Becca Sitz shared that through the efforts of the Main Street Committee and the County of Matagorda, sidewalks and the courthouse cement have been power washed and cleaned.

Mayor Mark A. Bricker shared that he had planted Crepe Myrtles on the side of City Hall.

Councilwoman Chrystal Folsie shared that the last Father's Day weekend was filled with fun city events and thanked those that participated.

## 9. ADJOURNMENT

### AGENDA NOTICES:

#### Action by Council Authorized:

The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

#### Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be Agenda City Council August 8, 2013 in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, June 19, 2017 before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

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David Holubec  
City Secretary